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Name of Person Signing Certificate:

May 4, 2004

Date

Renee Conti

Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:	:	Allowed: January 23, 2004
Kohei Suzuki et al.	:	(Issue Fee Paid March 5, 2004)
	:	
Conf. No.: 1491	:	Group Art Unit: 1745
	:	
Appln. No.: 09/915,946	:	Examiner: Stephen J. Kalafut
	:	
Filing Date: July 26, 2001	:	Attorney Docket No.: 10059-391US (P25827-01)
	:	
Title:	:	NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY AND POSITIVE ELECTRODE FOR THE SAME

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313**

Applicants hereby request that the above application, in which the issue fee was paid on March 5, 2004, be withdrawn from issue in order to consider the Request for Continued Examiner (RCE) and Information Disclosure Statement being submitted herewith. In support of this Petition, Applicants submit:

- (a) Our firm's check in the amount of \$130.00 for the Petition fee under 37 C.F.R. § 1.17(h) and
- (b) The following showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

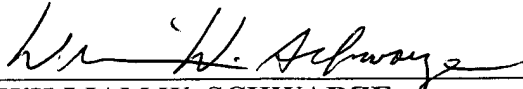
The withdrawal of the application from issue is necessary in order to consider three Japanese prior art references which were cited by the Japanese Patent Office in the Japanese counterpart of the above-identified application. This prior art, which is submitted in the Information Disclosure Statement accompanying the RCE request, could not have been submitted earlier, because the prior art was cited in a Japanese Office Action issued subsequent

to the payment of the issue fee on March 5, 2004. This prior art was just received by Applicants' undersigned U.S. attorney on May 4, 2004 in a letter dated April 30, 2004 from Applicants' Japanese patent attorneys. Accordingly, this Petition and the accompanying RCE request and Information Disclosure Statement were filed as quickly as possible.

In view of the above, grant of this Petition to withdraw the application from issue, and consideration of the RCE request and Information Disclosure Statement are respectfully solicited.

Respectfully submitted,

May 4, 2004  
(Date)

By:   
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Enclosure